

# Deposition Transcript

Case Number: BC 694 158

Date: January 23rd, 2020

In the matter of:

# Garvin v City of Los Angeles

Demian Wyma

**CERTIFIED  
COPY**

Reported by:

Wendy J. Wright  
CSR No. 11607

Steno

Official Reporters

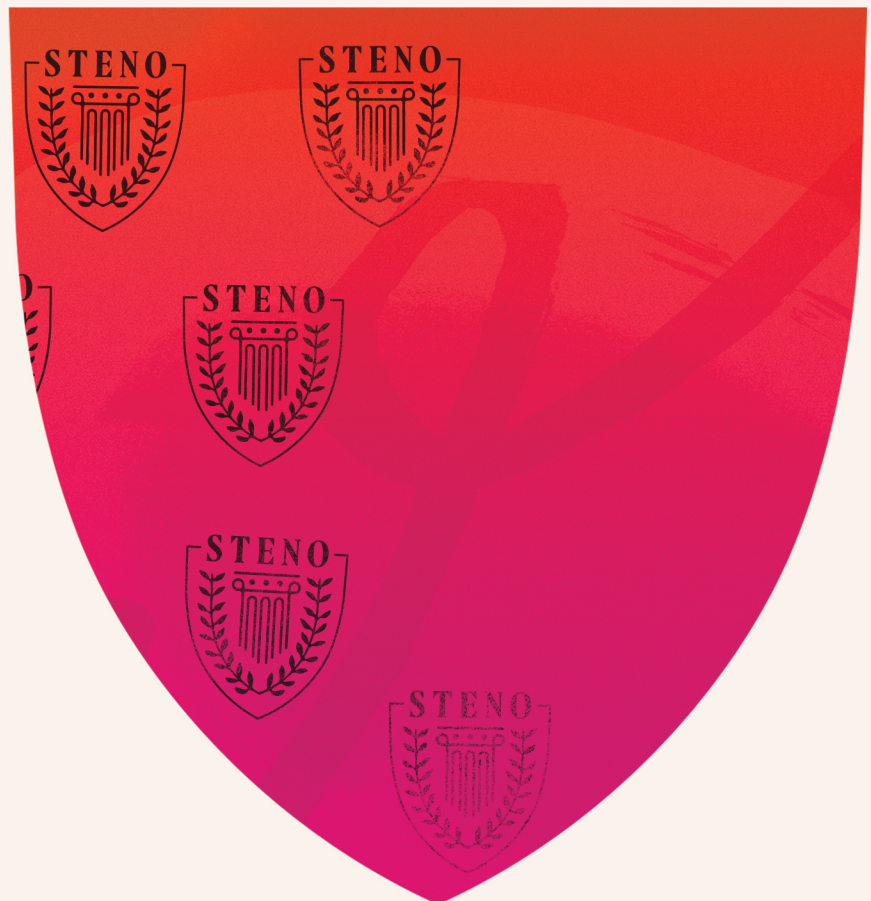
1100 Glendon Ave.

Suite 1850

Los Angeles, CA 90024

conciierge@steno.com

(310) 573-8380



RAYMOND GARVIN,  
PLAINTIFF,  
VS.  
CITY OF LOS ANGELES; AND DOES 1  
THROUGH 100, INCLUSIVE,  
DEFENDANTS.

Reported by: Wendy J. Wright  
CSR No. 11607

RAYMOND GARVIN,  
PLAINTIFF,  
VS.  
CITY OF LOS ANGELES; AND DOES 1  
THROUGH 100, INCLUSIVE,  
DEFENDANTS.

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL:

2  
3 For the Plaintiff:

4 SALUTE LAW  
5 BY: KEVIN SALUTE, ATTORNEY AT LAW  
6 18801 Venutra Boulevard  
7 Suite 208  
8 Tarzana, California 91356  
9 (818) 981-7373  
10 kevin@salutelaw.com

11 For the Defendants:

12 OFFICE OF THE CITY ATTORNEY  
13 BY: DENNIS KONG, ATTORNEY AT LAW  
14 - And -  
15 MARIANNE FRATIANNE, ATTORNEY AT LAW  
16 City Hall East  
17 200 North Main Street  
18 Room 700  
19 Los Angeles, California 90012  
20 (213) 978-8279

21 Also Present:

22 RAYMOND GARVIN  
23  
24 RICHARD BYRD  
25

## I N D E X

DEPONENT:	EXAMINATION BY:	PAGE:
DEMIAN WYMA	MR. SALUTE	5

## EXHIBITS FOR IDENTIFICATION:

## Plaintiff's

<a href="#">Exhibit 1</a> - "Complaint Investigation, CF Nos. 17-000419," 22 pages.	11
<a href="#">Exhibit 2</a> - "Complaint Investigation, CF Nos. 17-000614," 14 pages.	12
<a href="#">Exhibit 3</a> - "Complaint Form" dated 2/8/2018, 4 pages.	13
<a href="#">Exhibit 4</a> - "Complaint Form" dated 3/4/2018, 4 pages.	77

## QUESTIONS INSTRUCTED NOT TO ANSWER:

PAGE:	LINE:
51	21

1

TARZANA, CALIFORNIA

2

THURSDAY, JANUARY 23, 2020, 10:00 A.M.

3

4

DEMIAN WYMA,

5

having been first duly sworn, was

6

examined and testified as follows:

7

8

EXAMINATION

9

BY MR. SALUTE:

10

Q Morning again.

11

A Morning.

12

Q Could you please state and spell your name.

13

A My first name is a Demian, D-e-m-i-a-n; last

14

name is Wyma, W-y-m-a.

15

Q And what's your current employment?

16

A I'm a lieutenant with the Los Angeles Police

17

Department.

18

Q And what's your assignment?

19

A I'm the detective commanding officer at

20

Olympic Detective Division.

21

Q How long have you held that position?

22

A About four months.

23

Q And prior to that, what was your assignment?

24

A Lieutenant Watch Commander at Rampart.

25

Q And how long did you hold that position?

1           A       About 13 or 14 months.

2           Q       And prior to that?

3           A       I was an investigator -- Sergeant  
4 Investigator at Internal Affairs. Administrative  
5 Investigative Division.

6           Q       Is that the division within Internal Affairs  
7 that handles employee personnel complaints?

8           A       So -- no. So Internal Affairs is broken up  
9 into criminal and administrative. I was in the  
10 administrative. And then under administrative there are  
11 several sections, one of which is Workplace  
12 Investigation Unit, which is where I was assigned.

13          Q       Okay. So under -- in a Workplace  
14 Investigation Unit, is that the unit that investigates  
15 employee personnel complaints?

16          A       Well, I mean, all of Internal Affairs  
17 investigate the personnel complaints, but Workplace  
18 investigates complaints that are -- I don't mean to be  
19 ticky-tack, but -- 'cause there could be many employee  
20 personnel complaints, but they're generally related to  
21 employee-on-employee sexual harassment, retaliation,  
22 hostile work environment -- those kind of things.

23          Q       How long did you hold that position?

24          A       I'd be guessing, but a couple years. I  
25 worked a couple different sections within Internal

1     Affairs, AID Administrative Investigative Section, but,  
2     I mean, at least two, maybe three years, but it's hard  
3     to say without --

4             Q       All right.

5             A       If you have any documents or something I  
6     could look at, I could tell you.

7             Q       I really don't.

8             A       Okay. Yeah. Okay. That's my best guess.

9             Q       Okay. We'll figure it out.

10            And have you had your deposition taken  
11   before?

12            A       I have.

13            Q       How many times?

14            A       A couple. I don't know. Two. Maybe three.

15            Q       Okay. And was that in relation to your  
16   employment?

17            A       Yes.

18            Q       And were you deposed while you were -- while  
19   you were working at the IAG, I guess, or --

20            A       Not necessarily while I was assigned there  
21   but all relative to my cases there like this one. I  
22   mean, a lot of these cases take a long time to make it  
23   through, so I don't recall specifically. I know for at  
24   least one I also had already transferred out.

25            Q       Okay.



1           A       And it's hard -- I know -- and I should just  
2       say when I was a detective several years ago, I held his  
3       position, so I've sat in on a lot of depositions but I  
4       wasn't actually being deposed, if that makes sense. So  
5       my memory is a little --

6           Q       Okay. That's all right.

7                   Well, you're familiar with the admonitions  
8       that are given in --

9           A       Yes.

10          Q       -- depositions?

11                   All right. And is there any reason why you  
12       cannot give your best testimony today?

13          A       No.

14          Q       Is there any reason why you cannot provide  
15       complete, accurate and truthful testimony today?

16          A       No.

17          Q       So I'm just going to dispense with the  
18       admonitions, other than you've taken an oath -- or an  
19       oath has been administered to you. It's the same oath  
20       that's given in a court of law.

21                   You understand that; right?

22          A       Yes.

23          Q       And the other thing that I will just say  
24       is -- well, two other things. I'm not here to test your  
25       memory. If for some reason you don't recall something,

1 it's a perfectly acceptable answer. If you have an  
2 estimate as to when something may have occurred, I'm  
3 entitled to your best estimate.

4 Do you understand that?

5 A Understood.

6 Q And the other thing is, we gotta try not to  
7 talk over each other. I know you're familiar with this  
8 process and it's kind of an informal process, but we  
9 kind of have to picture ourselves being in a court of  
10 law, the judge sitting there, and try not to talk over  
11 each other.

12 All right.

13 A Yes.

14 Q Did you do anything to prepare for your  
15 deposition today besides talking to one of the city  
16 attorneys or other counsel?

17 A No.

18 Q When you were -- well, did you know -- do you  
19 know Ray Garvin?

20 A We met during this process but I had not met  
21 him before that.

22 When you say did I prepare, I did read over  
23 my investigation at some point.

24 Q Okay. Which investigation are you referring  
25 to?

1           A       The personnel complaint investigation.

2           Q       Okay.

3           A       So when I found out I was being deposed on  
4 this, I read the investigation.

5           Q       And there's a couple, so I want to reference  
6 which one we're talking about.

7                    So this is -- I'm just gonna show you right  
8 now.

9           A       Right.

10          Q       Did you look at the IA file or --

11          A       No. Just my investigation.

12          Q       Okay. What does that mean? What did you  
13 look at?

14          A       So that would be what you're holding right  
15 there.

16          Q       The complaint investigation report?

17          A       Correct.

18          Q       Okay. So just for purposes of  
19 identification --

20          A       I don't know if that's the exact -- because I  
21 did work on three out of that section, but the one where  
22 Lieutenant Garvin was the accused, the one actually --  
23 yeah.

24          Q       Well, there's two where he's an accused.

25          A       Okay. So the one where, I believe -- it's

1 the one where Franco and Salinas were the complainants.

2 MR. KONG: Just wait for a question before  
3 responding.

4 THE DEPONENT: Okay.

5 MR. SALUTE: I'm gonna mark as Exhibit 1 a  
6 complaint investigation reference CF number 17, dash,  
7 000419.

8 (Plaintiff's Exhibit No. 1 was marked  
9 for identification and is attached hereto.)

10 MR. KONG: Are you marking as Exhibit 1 the actual  
11 complaint investigation or the whole --

12 MR. SALUTE: The investigation.

13 MR. KONG: So not all three documents that you've  
14 given to me; correct?

15 MR. SALUTE: Correct.

16 MR. KONG: I'm sorry, Kevin. What I have here is  
17 614.

18 MR. SALUTE: I was gonna give you --

19 MR. KONG: Okay.

20 MR. SALUTE: Hold on one second.

21 THE DEPONENT: You can have mine.

22 Q BY MR. SALUTE: Let me do this: You give  
23 that to him, take the Post-it off of there, and put it  
24 on there, and that will take care of that. How's that?  
25 Perfect.

1           So [Exhibit 1](#) -- is that what you referenced a  
2 second ago that you said you read over?

3           A       Three.

4           MR. SALUTE: Now, there's another complaint that I  
5 understand that you were the investigating officer on,  
6 and that is complaint investigation CF No. 17, dash,  
7 000614. And I'm gonna mark that as [Exhibit 2](#).

8                   (Plaintiff's [Exhibit No. 2](#) was marked  
9 for identification and is attached hereto.)

10          Q       BY MR. SALUTE: Did you review that?

11          A       No.

12          Q       Okay.

13          A       Not recently.

14          Q       Okay. Were you the investigating officer on  
15 that complaint?

16          A       Yes.

17          MR. SALUTE: Just give this to you. What do you  
18 have --

19          MR. KONG: You already gave me 614.

20          MR. SALUTE: Okay.

21          MR. KONG: Yeah.

22          Q       BY MR. SALUTE: Did you review the -- as to  
23 either complaint, the 128s?

24          A       I don't know what you mean by "the 128s."

25          Q       The form 128s? Do you know what 128 is?

1           A       The complaint form?

2           Q       Yes.

3           A       We call it cover sheet, but --

4           Q       Yeah.

5                   Did you review those when you reviewed the  
6 419 complaint?

7           A       I know I reviewed them when I did the  
8 investigation. I haven't reviewed them recently. I'm  
9 sorry. That top form that -- is that what you're  
10 talking about?

11          Q       Yes.

12          A       Not recently.

13          MR. SALUTE: So I'm gonna mark as [Exhibit 3](#) --  
14 actually, let me do this: I'm gonna change the exhibits  
15 slightly. I'm gonna -- I'll leave it as it is. It will  
16 make it too confusing.

17                   I'm gonna mark as [Exhibit 3](#) the complaint  
18 form for the 419 complaint -- as [Exhibit 3](#).

19                   (Plaintiff's [Exhibit No. 3](#) was marked  
20 for identification and is attached hereto.)

21          Q       BY MR. SALUTE: Would you confirm that is the  
22 cover sheet or complaint form that relates to that 419  
23 complaint?

24          A       Yes, it is.

25          Q       Now, also in the investigation report,

1       there's reference to addenda items in the 419 complaint.

2           A       Mm-hmm.

3           Q       You have to say yes. I'm sorry.

4           A       Did you ask me a question?

5           Q       I said there's addenda items; correct?

6           A       Yes.

7           Q       And the addenda items are referenced on  
8       page 20; correct?

9           A       Yes. Yes.

10          Q       Did you review those documents when you were  
11       reviewing the complaint investigation report that you  
12       prepared for the 419 complaint?

13          A       I did not.

14          Q       Okay. Other than those addenda items that  
15       are listed on page 20, were there any other documents  
16       that you reviewed or relied upon in connection with your  
17       preparation of the complaint investigation report in the  
18       419 complaint?

19          A       You're talking about back when I was  
20       investigating the complaint?

21          Q       Yes.

22          A       There may have been. I don't recall.

23          Q       Are there some documents that would help you  
24       recall or refresh your recollection as to what other  
25       documents you may have relied upon?

1           A           There's a rough notes package. They would be  
2           in that package. I don't know -- I don't have an  
3           independent recollection if there's anything in the  
4           rough notes package on this case or not.

5           Q           Is there any reason why, if you relied upon  
6           them in preparing the complaint investigation report,  
7           they would not have been included as addenda items?

8           MR. KONG: Objection. Speculation.

9                     You can answer if you know.

10          THE DEPONENT: Yeah. They're not relevant to the  
11          case. Oftentimes you may collect things in preparation,  
12          but as things flesh out, they're not important, or  
13          sometimes email correspondence back and forth with  
14          people. It's not really relevant to what is in the  
15          investigation, but you don't want to discard it. You  
16          put it in the rough notes package. Things like that.  
17          Those are just examples. I don't have an independent  
18          recollection of any of those existing in this case.

19          Q           BY MR. SALUTE: And where's the rough notes  
20          package kept?

21          A           Internal Affairs.

22          Q           Is it kept in some particular file or in  
23          some --

24          A           It's kept in administrative records section,  
25          I believe.



1 Q Is that separate and apart from the complaint  
2 investigation file?

3 MR. KONG: Objection. Vague.

4 You can answer if you understand the  
5 question.

6 THE DEPONENT: I don't know. When we're done with  
7 the case, we turn it in to administrative records  
8 section. What they do with it, I don't know.

9 Q BY MR. SALUTE: Now, are those handwritten  
10 notes, typed notes or both?

11 A It could be neither or both.

12 Q Is there also a chron that you keep during  
13 the course of your investigation?

14 A Yes.

15 Q How did you maintain that chron?

16 A It's maintained in the complaint management  
17 system, which is an online -- it's the same system that  
18 produces this document.

19 Q The 128?

20 A Yeah. It's called the complaint management  
21 system.

22 Q Is that also called the CMS?

23 A Yes.

24 Q In the CMS, there's -- are there dedicated  
25 files to each complaint investigation? In other words,

1 if, when a complaint -- well, complaint investigation  
2 comes to you; right?

3 A Yes.

4 Q Okay. And that's assigned by your  
5 supervisor, I assume?

6 A Yes.

7 Q And when it's assigned to you, what do you  
8 get, a file, or do you get an email, or what do you get?

9 A You get -- I mean, it can vary slightly, so  
10 in general -- are you talking about in this case --

11 Q Just in general.

12 A You'll almost always get a hard copy of this  
13 complaint form.

14 Q The 128?

15 A Right. Oftentimes, that's all you'll get.

16 But then sometimes there may have been emails  
17 or other things that went back and forth that would be  
18 attached or, you know, if there's a generating document  
19 that created, you know, if an employee -- and, again,  
20 I'm just talking in generalities, not about this case.

21 But if an employee sends an email to their  
22 captain, say, making a complaint about one of their --  
23 you know, somebody else they work with, and that's what  
24 generated the complaint, a copy of that email would be  
25 in there.

1 Q Okay. And then when you get this, what's  
2 your first steps that you do?

3 A I mean, again, you're talking generally?

4 Q Generally, yeah.

5 A So I would review the case; kind of determine  
6 who the witnesses are; who needs to be interviewed; what  
7 documents need to be collected. You know, there are  
8 some administrative things in the CMS system that -- so  
9 there's the chrono that you're talking about is in  
10 there. It's already been started, because whoever  
11 assigned it would have put a line in the chrono that the  
12 case was assigned to Wyma, whatever. So I would go in  
13 there and review the case; start the chrono.

14 Q And during the course of the investigation,  
15 are you updating the chron?

16 A At some --

17 MR. KONG: I'm sorry. Wait a brief second after  
18 the question in case I need to object.

19 Objection. Vague.

20 You can answer if you know.

21 THE DEPONENT: Again, every case is different.  
22 Chrono would be updated at some point. Sometimes  
23 there's a lot going on so you update it frequently.  
24 Sometimes you might do a couple things and update  
25 several things at once.

1           Q       BY MR. SALUTE: But, generally, the chron is  
2 a reflection of the course of the investigation and the  
3 things that you did during the course of the  
4 investigation; is that a fair statement?

5           A       Yes.

6           Q       And that's all reflected in the CMS chron?  
7 MR. KONG: Objection. Misstates his testimony.

8           Q       BY MR. SALUTE: Or would be reflected in  
9 there?

10          A       When you say "all," I don't --

11          Q       Those things that you're doing during the  
12 course of your investigation -- would those generally be  
13 reflected in the chron?

14          A       Yes.

15          Q       Was there any reason why they wouldn't be  
16 reflected in the chron?

17          MR. KONG: Objection. Speculation; improper  
18 hypothetical; vague.

19                   You can answer if you understand the  
20 question.

21          THE DEPONENT: I mean, different investigators  
22 might -- it just depends on -- not everything you do on  
23 a case is going to be -- take a line, so . . .

24          Q       BY MR. SALUTE: Fair enough.

25                   But --

1           A       Yes.

2           Q       -- I'm just talking in general, if there's  
3 something material occurring during the course of your  
4 investigation when you were at IAG, you would generally  
5 reflect it in the chron --

6           A       Correct.

7           Q       -- is that a fair statement?

8           A       Yes.

9           MR. KONG: Just wait a brief second.

10                   Same objections. Improper hypothetical,  
11 vague, and misstating the testimony.

12                   Go ahead.

13           Q       BY MR. SALUTE: Well, after that, can you  
14 still answer the question?

15           A       Can you repeat the question?

16           Q       Essentially, my question was, is it a fair  
17 statement that it was your usual and customary practice  
18 when you were at IAG to document material events that  
19 occurred during the course of the investigations that  
20 were assigned to you in the CMS chron?

21           MR. KONG: Objection. Vague and misstates  
22 testimony.

23                   You can answer.

24           THE DEPONENT: Yeah, everybody has a different  
25 interpretation of what "material" is, but yes, the broad

1 strokes would go in the chrono.

2 Q BY MR. SALUTE: I'm just trying to get your  
3 usual and customary practice.

4 A Yes.

5 Q Now, I want to talk for a second about  
6 [Exhibit 3](#), the 128. And just for purposes of reference  
7 during the deposition, I'm really just going to be  
8 talking to you right now about what I'm calling the 419  
9 complaint and the 614 complaint.

10 Okay? Do you understand what I'm talking  
11 about?

12 A Yes.

13 Q So the 419 complaint -- I just want to make  
14 sure we're all clear on this. The 419 complaint is the  
15 one that we discussed as RF No. 17, dash, 000419.

16 Okay?

17 A Yes.

18 Q So [Exhibit 3](#), I just want to confirm -- this  
19 was the complaint form -- the initiating form for the  
20 419 complaint; correct?

21 MR. KONG: Objection. Foundation.

22 You can answer if you know.

23 THE DEPONENT: I don't know what you mean by  
24 "initiating form," so I would say no, it's not the  
25 initiating form. Something --

1 Q BY MR. SALUTE: So when is this, then? What  
2 is [Exhibit 3](#) --

3 A It's --

4 MR. KONG: Hold on. Stop. Let's just not talk  
5 over each other. So let's just wait for the question  
6 and wait for the answer before anyone says anything.

7 Go ahead. You can answer.

8 THE DEPONENT: It's the documentation -- the formal  
9 entry of the complaint information into the system to  
10 generate the personnel complaint.

11 Q BY MR. SALUTE: For the 419 complaint?

12 A Correct.

13 Q Page two of [Exhibit 3](#) references parties  
14 involved; correct?

15 A Yes.

16 Q And references the general allegations;  
17 right?

18 MR. KONG: I'm sorry. Again, same objection.  
19 Foundation; speculation.

20 You can answer if you know.

21 THE DEPONENT: So in looking at this one -- I  
22 hadn't reviewed this before -- generally speaking, these  
23 don't list allegations. That's not the purpose of this  
24 document. They list facts and then the IO, through the  
25 course of their investigation, calls out the pertinent

1 information and then specific allegations are put in  
2 this document. This one appears like it has some things  
3 that are written as allegations, but that's unusual.

4 Q BY MR. SALUTE: Well, let me ask you this:  
5 Have you ever seen [Exhibit 3](#) before today?

6 A Yes.

7 Q When did you first see it?

8 A When it was assigned to me.

9 Q And when it was assigned to you, did you  
10 review it?

11 A Yes.

12 Q What was your purpose in reviewing it?

13 A Because I had to investigate the complaint,  
14 so this is -- this is the first step in reading what was  
15 documented thus far.

16 Q Okay. And did you have an understanding as  
17 to who prepared [Exhibit 3](#)?

18 A You're asking me today --

19 Q Yeah.

20 A -- if I had an understanding back then?

21 Q Either then or now.

22 Do you have an understanding as to who  
23 prepared [Exhibit 3](#)?

24 A Yes.

25 Q Who prepared it?



1           A       Sergeant Michael Salinaz.

2           Q       And does that document reflect when it was  
3 prepared?

4           A       Yes.

5           Q       When was it prepared?

6           MR. KONG: Objection. Document speaks for itself.  
7                    You can go ahead and answer.

8           THE DEPONENT: February 8, 2017.

9           Q       BY MR. SALUTE: And how -- when you look at  
10 that document, how do you know when it was prepared?

11          A       Because the date is indicated on the  
12 document.

13          Q       Where?

14          A       On the statute date, which is generated  
15 automatically a year after the date that the information  
16 is input, and the date under "Reported to Uninvolved  
17 Supervisor."

18          Q       So under the heading "Brief Summary" and it  
19 says, "Reported to Uninvolved Supervisor" and it says  
20 the date of February 8th of 2017; is that correct?

21          A       Correct.

22          Q       And does the document reflect who -- I'm  
23 sorry.

24          A       So, actually, in looking at it further, it  
25 looks like -- so that's the date it was reported -- or,

1 I'm sorry. That's the date it was reported to the  
2 sergeant. He may not have input it until February 23rd.  
3 So I'm not sure when it was actually input, if that's  
4 your question.

5 Q Okay. And does the document reflect who the  
6 alleged misconduct was first reported to?

7 A Well --

8 MR. KONG: Again, I'm sorry. Objection. Document  
9 speaks for itself and foundation.

10 Go ahead. You can answer.

11 THE DEPONENT: It was reported to either Salinaz or  
12 Captain Meek.

13 Q BY MR. SALUTE: And that's based on your  
14 reading the first page under "Brief Summary"?

15 A Correct.

16 Q And if you look at page two, under where it  
17 says, "Preliminary Investigative Narrative," a few lines  
18 down, it says, "The following issues were reported to  
19 Captain III, Kathryn Meek."

20 Does that help to refresh your recollection  
21 as to who the allegations of misconduct were first  
22 reported to?

23 MR. KONG: Objection. Document speaks for itself  
24 and foundation.

25 You can answer if you know.

1 THE DEPONENT: Yes. And my investigation also, but  
2 I thought you were asking me, could you tell from the  
3 front of the document.

4 So just reading the document, it's one of  
5 these two. But yes, in reading my investigation, it was  
6 reported to Meek, and she had Salinas document on the  
7 complaint form.

8 Q BY MR. SALUTE: Okay. And when you first got  
9 the investigation for -- or -- when you first got the  
10 complaint for investigation, when it was first assigned  
11 to you, did you have an understanding of what the  
12 allegations -- or who was making the allegations against  
13 Garvin? Let me withdraw that and let me restate it.

14 When you first were assigned the  
15 investigation, did you have an understanding as to who  
16 was making the allegations of misconduct against Garvin?

17 A Yes.

18 Q Okay. And who was making the allegations?

19 A Officer Leslie Salinas and Officer Alberto  
20 Franco.

21 Q All right. And going back to page two of  
22 [Exhibit 3](#), is it fair to say that on paragraph -- well,  
23 it's numbered one, two, three, and four on page two  
24 there.

25 Those are the general allegations that were

1 being made by Franco and Salinas?

2 MR. KONG: Objection. Foundation and document  
3 speaks for itself.

4 You can answer if you know.

5 THE DEPONENT: So, like I explained allegations  
6 before, I mean, I know -- so you're using the words  
7 "allegations." This is generally what they were  
8 saying.

9 Q BY MR. SALUTE: Okay.

10 A But --

11 Q That's what I'm --

12 A -- my allegations are different, that I  
13 wrote, so I don't necessarily agree with the fact that  
14 these are the allegations, if that makes any sense.

15 Q Well, in any event, on page two, number one,  
16 it was alleged that Garvin made inappropriate comments  
17 to Franco; right?

18 A Yes.

19 Q Okay. And then the next allegation -- or the  
20 next complaint that was being made is that on an unknown  
21 date, Garvin made inappropriate comments to Franco;  
22 correct?

23 A Yes.

24 Q And then the next complaint that was being  
25 made was that on an unknown date, Garvin made comments

1 to other members of the Bomb Detection K9 unit relative  
2 to when Salinas was coming back; correct?

3 A Yes.

4 Q And then the next allegation was that on or  
5 about February 8th, Salinas made some complaint -- or  
6 she expressed to Captain Meek that she wants to have  
7 additional children, and there was some issue with that  
8 comment; right?

9 A Yes.

10 Q So those were the general complaints that  
11 were being made against Garvin; is that fair to say?

12 A Yes.

13 I'm not trying to be difficult. It's just  
14 the term "allegation" has a very specific meaning when  
15 you're doing a complaint.

16 Q Okay. I hear you. And I'm not trying be  
17 difficult either. I'm just trying to get some  
18 information.

19 So, essentially, these are the complaints  
20 that you were investigating; correct?

21 A Yes.

22 Q And going back to [Exhibit 1](#), can you tell,  
23 based on [Exhibit 1](#), when this investigation -- or when  
24 the complaint investigation was assigned to you to  
25 investigate?

1           MR. KONG: Same objection. Document speaks for  
2 itself.

3           You can answer if you know.

4           THE DEPONENT: No.

5           Q       BY MR. SALUTE: Did you have a partner that  
6 assisted you in the investigation?

7           A       I don't recall. I mean, there were several  
8 of us that worked in the office that would assist with  
9 different parts of an investigation, but I didn't have  
10 like a regular partner that worked side by side with me  
11 in this investigation.

12          Q       Do you generally have an understanding as to  
13 when the complaint was assigned to you?

14          MR. KONG: You mean does he know generally when it  
15 was assigned to him?

16          MR. SALUTE: Yeah.

17          THE DEPONENT: I mean, I could give a ballpark, but  
18 no.

19          MR. KONG: Don't speculate or guess. You can  
20 estimate. That's fine.

21          Q       BY MR. SALUTE: Are there any documents that  
22 would refresh your memory as to when this was assigned  
23 to you?

24          A       The chrono, I suppose.

25          Q       And how would the chrono assist you in

1 helping to refresh your memory as to when it was  
2 assigned to you?

3 A There would be a line in there when it was  
4 assigned to me.

5 Q Do you have an understanding, based on --  
6 well, do you recall when you completed the  
7 investigation?

8 A I don't have an independent recollection, no.

9 Q As you look at the report, does that help to  
10 refresh your memory as to when you completed the report?

11 A Yes.

12 Q And when did you complete the report?

13 A I signed it -- well, actually, that's not my  
14 signature. So sometime probably in late 2018 -- or late  
15 2017.

16 Q I'm sorry. Late 20-- --

17 A --17.

18 Q Late 2017. Okay.

19 And at the time -- so that would be the date  
20 that the investigation report was completed?

21 A It depends on what you mean by "completed."  
22 It would be the date that I completed my investigation,  
23 but then there's several steps it goes through after  
24 that.

25 Q Okay. When you complete your

1 investigation -- by saying that you completed your  
2 investigation, are you saying that that's the date that  
3 you would have completed writing the report?

4 A And submitted the report, yes.

5 Q Okay. So that's the date, essentially, that  
6 all the interviews would have been conducted, all the  
7 evidence would have been gathered from your end?

8 A That's not the -- well, not the date they  
9 would have been conducted. They would have all been  
10 conducted prior to that.

11 Q Correct.

12 So the date that you completed gathering the  
13 information and interviewing witnesses; is that fair to  
14 say?

15 A All that information is then taken and put in  
16 the report, which can take a long time. But, yeah, it  
17 would have all been done by that time.

18 Q Correct.

19 A Yes.

20 Q Okay. In other words, all that you needed to  
21 do to complete the investigation had been done as of  
22 late 2017/early 2018; is that fair?

23 MR. KONG: Objection. Misleads his testimony.

24 You can answer.

25 THE DEPONENT: Yes.



1           Q       BY MR. SALUTE:   Okay.   And when you conducted  
2   witness interviews for this 419 complaint, were those  
3   interviews recorded?

4           A       Yes.

5           Q       And after they're recorded, are they -- were  
6   they transcribed, as far as you know, for the 419  
7   complaint?

8           A       I don't recall.

9           Q       Are there any documents that would help you  
10   refresh your memory as to whether the interview -- or  
11   the witness interviews were, in fact, transcribed?

12          A       Not that are available to me here today.

13          Q       Was it your usual course and practice, when  
14   you were at IAG doing these types of investigations like  
15   the 419 complaint, to have the witness interviews  
16   transcribed?

17          A       No.

18          Q       What would happen with the witness interviews  
19   after you conducted them?

20          MR. KONG:   Objection.   Overbroad.

21                    You can answer.

22          THE DEPONENT:   We would upload them into the CMS  
23   system.

24          Q       BY MR. SALUTE:   So they would be recorded;  
25   correct?

1           A       Correct.

2           Q       And then you would take the recorder back to  
3 the office and upload them into the CMS?

4           A       Yes.

5           Q       And that's where those are generally  
6 maintained?

7           MR. KONG:  Objection.  Vague; overbroad.

8                    You can answer.

9           THE DEPONENT:  As far as I know.

10          Q       BY MR. SALUTE:  Okay.  Well, when you  
11 would -- well, after you completed your end of the  
12 investigation, do you know what would happen with those  
13 recorded interviews?

14          MR. KONG:  Objection.  Foundation.

15                    You can answer if you know.

16          THE DEPONENT:  I assume they are maintained in the  
17 CMS system.

18          Q       BY MR. SALUTE:  Okay.

19          MR. KONG:  Do you know?

20          THE DEPONENT:  I have accessed interviews in the  
21 past from the CMS system, so, generally, I think they  
22 are.  I usually maintained my own copies of them, so I  
23 wouldn't have to go that route, so --

24          Q       BY MR. SALUTE:  Okay.  And would you use  
25 the -- when you were doing the -- writing up your report

1 for the 419 complaint, did you use those recorded  
2 interviews? Like, for example, would you go back and  
3 listen to them to try to refresh your memory as to what  
4 was said so you could include portions of those  
5 statements in the complaint investigation report?

6 A Yes.

7 Q Before -- well, when you -- during the course  
8 of your preparation of the complaint investigation  
9 report, would you -- did you wait until all the witness  
10 interviews and everything had been concluded before  
11 starting to write the report, or would you generally do  
12 it during the course of your investigation, if you know?

13 A You're talking about my general practice --

14 Q Yes.

15 A -- or this investigation?

16 Q Your general practice.

17 A My general practice would be to -- they're  
18 all different. I mean, this particular investigation  
19 had 16 different interviews, which is a lot for an  
20 investigation. I mean, if there were one or two, I  
21 might not do them both at the same time. Something like  
22 this, I would be doing them as I'm going along so I  
23 would not wait till all 16 were done.

24 I can't say that I would paraphrase them  
25 immediately after every interview, but -- does that --

1           Q       Yeah, that helps.

2                   Essentially, your best recollection is,  
3   during the course of the preparation of the 419  
4   complaint investigation report, that you would prepare  
5   it along the way, so to speak, as the interviews were  
6   being conducted; is that fair?

7           A       Yes.

8           Q       Okay. And was it your intent to be as  
9   complete and accurate in preparing the report and  
10   summarizing the witness statements?

11          A       Yes.

12          Q       Would, before you put the witness statement  
13   summaries -- first of all, you summarized the witness  
14   statements in the report; right?

15          A       Paraphrased. Yes.

16          Q       You didn't put the verbatim statements in  
17   there; right?

18          A       Correct.

19          Q       Because it would be too long; right?

20          A       Yes.

21          Q       And so in doing the paraphrasing, it was your  
22   intent to paraphrase those statements accurately; right?

23          A       Yes.

24          Q       And to put the things that you felt were  
25   important to the investigation in those paraphrased

1 statements; right?

2 A Yes.

3 Q And you did that because you wanted to make  
4 sure that the report was complete and accurate as to  
5 what those people said that was material to the  
6 investigation; correct?

7 A Yes.

8 Q And when you were conducting the overall  
9 investigation in the 419 complaint, it was your  
10 intention to be complete; right?

11 MR. KONG: Objection. Asked and answered.

12 You can answer again.

13 Q BY MR. SALUTE: I'm not talking about just in  
14 the paraphrasing portion. I'm talking about just the  
15 overall investigation.

16 You were trying to do a complete  
17 investigation; is that fair?

18 A That's fair.

19 Q Okay. And you -- do you feel, as you sit  
20 here today, that you were as complete -- you did as  
21 complete an investigation as you felt was necessary?

22 MR. KONG: Objection. Vague; overbroad.

23 You can answer if you understand the  
24 question.

25 THE DEPONENT: Yes.

1 Q BY MR. SALUTE: In other words, you  
2 interviewed who you felt needed to be interviewed;  
3 correct?

4 A Yes.

5 Q Were you limited in any way in who you could  
6 interview?

7 A I don't recall.

8 Q And you obtained whatever documents you felt  
9 were necessary to the completion of your investigation;  
10 correct?

11 A I believe so.

12 Q Were there any documents that you felt you  
13 needed to complete the investigation that were not  
14 provided to you?

15 A Not that I can recall.

16 Q And in addition to obtaining witness  
17 statements and obtaining documents, is it a fair  
18 statement that you also obtained whatever other  
19 additional information you felt was necessary in order  
20 to make the complaint investigation complete?

21 MR. KONG: Objection. Vague; overbroad.

22 You can answer if you understand the  
23 question.

24 THE DEPONENT: I think so, yes.

25 Q BY MR. SALUTE: And then after doing all of

1     that, witness statements -- or obtaining witness  
2     statements, gathering information, and gathering  
3     documents, you then prepared this investigation report;  
4     right?

5             A         Yes.

6             Q         And is it fair to say that this investigation  
7     report accurately depicts your findings based on your  
8     investigation?

9             A         I don't know if I would categorize it  
10    as findings, but yes.

11            Q         How would you characterize it?

12            A         It's just the information I collected was,  
13    you know, put into the -- put into the investigation,  
14    yes.

15            Q         Okay. Well, whatever information you  
16    gathered is accurately depicted in the report; is that  
17    fair to say?

18            A         Yes.

19            Q         And so far we've been talking about the 419  
20    complaint?

21                        Would all the same be true of the 614  
22    complaint that you conducted?

23            A         Yes.

24            Q         In other words, you interviewed who you  
25    needed to interview; correct?

1           A       Correct.

2           Q       You obtained whatever documents you needed to  
3 interview -- or -- I'm sorry.

4                    You obtained whatever documents you needed to  
5 obtain; correct?

6           A       As best as I can recall. I don't recall not  
7 being able to get any documents, but yes.

8           Q       And you got whatever additional information  
9 you needed in order to complete your investigation?

10          MR. KONG: Objection. Vague and overbroad.

11                    You can answer.

12          THE DEPONENT: I don't have an independent  
13 recollection, but yes.

14          Q       BY MR. SALUTE: But that would have been your  
15 practice; correct?

16          A       Correct.

17          Q       And you felt that you completed -- or you --  
18 before completing the report, you felt that you had done  
19 a complete investigation; is that fair to say?

20          A       Yes.

21          Q       And all that was accurately depicted in the  
22 614 complaint report; right?

23          A       Yes.

24          Q       And is it fair to say that you knew that the  
25 investigation report in the 419 complaint -- you knew



1 that would be relied upon by somebody in adjudicating  
2 the complaint; right?

3 A Yes.

4 Q And the same would be true of the  
5 614 complaint; right?

6 A Yes.

7 Q And was it -- is it fair to say that it was  
8 your intention to provide kind of a broader picture of  
9 what was going on in Bomb Detection K9 Section at the  
10 time that these complaints were made against Garvin?

11 MR. KONG: Hold on.

12 Overbroad, vague, foundation and speculation.

13 Go ahead. You can answer if you understand.

14 THE DEPONENT: I don't know what you mean by  
15 "broader." I mean, my goal is to give them a complete  
16 picture. When you say broader, it implies kind of  
17 outside of the scope of the investigation, and that  
18 would not be -- I don't know if I would characterize it  
19 that way.

20 Q BY MR. SALUTE: Okay. But in other words,  
21 you wanted to give kind of a complete picture of what  
22 was going on in the unit rather than just focusing  
23 solely on the complaints that were made against Garvin;  
24 is that fair to say?

25 MR. KONG: Objection. Misstates his testimony.

1 You can answer.

2 THE DEPONENT: I think that's fair to say.

3 Q BY MR. SALUTE: And in trying to kind of  
4 create this overall picture of what was going on in the  
5 unit, is it fair to say that you needed to kind of look  
6 at other complaints that were made by other individuals  
7 besides Salinas and Franco and Sauvao in order to kind  
8 of give the complete picture of what was going on in the  
9 unit?

10 MR. KONG: Objection. Vague.

11 You can answer if you understand the  
12 question.

13 THE DEPONENT: I don't know if I looked at, when  
14 you say looked at other complaints.

15 I had three complaints, I think, and I know  
16 there was a complaint that kind of predated any of this  
17 that I thought was relevant that I mentioned. And I'm  
18 sure I reviewed it, but I don't know what you mean  
19 by --

20 Q BY MR. SALUTE: Okay. We can get into that.

21 But I guess my question was more to -- if you  
22 just focused solely on whether the -- like, for example,  
23 in the 419 complaint, if you just focused solely on  
24 whether these statements were made or not made, did you  
25 feel that that would provide a fair and accurate picture

1 to the adjudicator of what was really going on in the  
2 unit?

3 MR. KONG: Objection. Foundation; speculation.  
4 Also asks for improper opinion.

5 You can answer.

6 THE DEPONENT: I mean, I think there's a balance.  
7 I think it has to stand alone as an investigation, but I  
8 think there was some history that was relevant that was  
9 included.

10 Q BY MR. SALUTE: And that history was included  
11 so you could provide context; is that fair to say?

12 A Yes.

13 Q And without providing that context, you  
14 wouldn't be giving the adjudicator who's going to rely  
15 on the complaint investigation the full picture of  
16 what's going on; right?

17 MR. KONG: Objection. Vague; overbroad.

18 Are we talking about still the 419  
19 investigation?

20 MR. SALUTE: That's what we're talking about.

21 MR. KONG: Okay. You can answer.

22 THE DEPONENT: Yeah, I would say that's true.

23 Q BY MR. SALUTE: And in the 614 complaint,  
24 there was similar reference to kind of some background  
25 information as to what was going on in the unit; is that

1 fair to say?

2 MR. KONG: Objection. Vague.

3 Are you saying he provided background  
4 information or he provided the same background  
5 information that was provided in the 419?

6 Q BY MR. SALUTE: I'm saying that in the  
7 614 complaint, is it fair to say that you provided some  
8 background information to provide some context to what  
9 was going on in the unit at the time the 614 complaint  
10 was made against Garvin?

11 A Excuse me. So I hadn't looked at this one in  
12 a while, but in looking at it, yes, it looks like I did  
13 that.

14 Q And you did that so you could provide context  
15 to the adjudicator; is that fair to say?

16 A Yes.

17 Q And without providing that background, would  
18 you say that the adjudicator would be able to get a full  
19 picture of what was really going on in the unit?

20 MR. KONG: Objection. Foundation, speculation and  
21 vague.

22 You can answer.

23 THE DEPONENT: I mean, it's hard for me to say what  
24 the adjudicator would or would not do.

25 Q BY MR. SALUTE: Was it your intention, by

1 providing that information, to give the adjudicator  
2 context for how these complaints were -- came about?

3 A Yes. I would say it was my intention to give  
4 them -- yeah. Yes.

5 Q Was there some other --

6 A A full picture of what was going on.

7 Q Okay. Was there some other reason why you  
8 would have provided that background information?

9 A No.

10 Q So just to be clear, the reason why you  
11 provided that background information was because you  
12 felt it was important to put context to how the  
13 complaints came about; correct?

14 A I mean, sitting here today, I can't remember  
15 what was going through my mind when I wrote this  
16 information, but --

17 MR. KONG: So can you give any answer without  
18 speculating to this question?

19 THE DEPONENT: No.

20 MR. KONG: Okay.

21 Q BY MR. SALUTE: Okay. Well, then I'm gonna  
22 go back again.

23 Is there any other reason that you can think  
24 of as to why you would have put that background  
25 information in the reports?

1 MR. KONG: Objection. Speculation.

2 THE DEPONENT: No. I think it's fair to say it's  
3 just to portray a complete picture.

4 Q BY MR. SALUTE: Okay. So I want to go to --  
5 go back to [Exhibit 1](#) on page -- I'm gonna go back to  
6 page one. So at the top, "Investigative  
7 Responsibility," it says, "The investigating officer,  
8 Sergeant II Demian Wyma, Internal Affairs Group,"  
9 et cetera. Then it provides your contact information.

10 Just so we're clear, this is the complaint  
11 investigation report that you prepared; right?

12 A Yes. Best as I can tell, yes.

13 Q And the information that's included in here  
14 was information you gathered during the course of your  
15 investigation; correct?

16 A Yes.

17 Q And if we go down to the second paragraph  
18 here, it says, "Statute." It says, "On February 8,  
19 2017, the complainants, Police Officer III plus III  
20 Alberto Franco, serial number" -- and then it provides  
21 the serial number -- "and Police Officer III plus III  
22 Leslie Salinas" -- provides her serial number -- and  
23 then -- "met with Captain III Kathryn Meek" -- and then  
24 it provides her serial number -- "and made allegations  
25 of misconduct."

1                   So based on your understanding, this  
2       complaint was originally -- or the complaints made by  
3       Salinas and Franco originally arose on or about  
4       February 8, 2017; correct?

5           A       Captain Meek became aware of the complaints  
6       on February 8, 2017.

7           Q       Okay. I guess my question is, during the  
8       course of your investigation, did you find that Salinas  
9       and Franco had made complaints of allegation of  
10      misconduct earlier than February 8th of 2017?

11          A       I'd have to read -- I don't recall right now.  
12      I'd have to read it.

13          Q       If they had, would that be reflected  
14      somewhere?

15           MR. KONG: Objection. Speculation.

16                   You can answer.

17          Q       BY MR. SALUTE: I mean within your report.

18           MR. KONG: Again, same objection. Speculation.

19                   You can answer.

20          THE DEPONENT: If you're asking me generally, I  
21      would think so, yes.

22          Q       BY MR. SALUTE: Okay. Well, when you  
23      reviewed the report -- when did you review it? Last  
24      night? This morning?

25          A       No. Couple weeks ago.

1           Q       When you reviewed it a couple weeks ago, did  
2   you see anywhere in the report that they had made their  
3   complaints of misconduct earlier than February 8th of  
4   2017?

5           A       That doesn't stand out to me now, no.

6           Q       Okay. But if they had made those complaints,  
7   is it likely that you would have reflected that  
8   somewhere in your investigation report?

9           MR. KONG: Objection. Speculation.

10                  You can answer.

11           THE DEPONENT: Yes.

12           Q       BY MR. SALUTE: Okay. Is that important  
13   information?

14           A       It affects the statute date.

15           Q       Okay. Is that important?

16           A       Yes.

17           Q       Why?

18           A       Because we can only investigate things for --  
19   we have a time limit when we can investigate things once  
20   they've been brought to the attention of the department  
21   supervisor.

22           Q       So that is obviously something important  
23   that, if you had been made aware of it, it probably  
24   would have been something reflected in your report;  
25   right?



1           A       Correct.

2           Q       Okay. Turn to page two, which is under the  
3 "Background." And this is what I was talking about  
4 earlier.

5                   Background information that's reflected  
6 here -- this is information that you gained during the  
7 course of your investigation; is that fair to say?

8           A       Yes.

9           Q       And is there anything in here under the  
10 background section that you have since come to learn is  
11 somehow not accurately depicted in this description?

12          A       I'll have to reread it to be able to answer  
13 that.

14          Q       Sure. Go ahead.

15          A       (Reviewing.)

16                   Okay. So what's your question?

17          Q       As far as you know, under the "Background"  
18 section, is everything that's written here accurate as  
19 of today, based on the information that you gleaned  
20 during your investigation?

21          A       Yes.

22          Q       All right. Now, in the second paragraph,  
23 starting at line 19, it says, "On April 24, 2016,  
24 Hollenback made allegations against Sauvao which  
25 resulted in a personnel complaint, complaint file No 16,

1 dash, 001209."

2 Why are you making reference to that  
3 complaint in this complaint?

4 A Because that's part of the background, and if  
5 you read further, it wasn't until after that complaint  
6 that the other complaints started to be generated.

7 Q So it was to provide context?

8 A Yes.

9 Q And then the next sentence, it says, "Due to  
10 the nature of the allegations, the complaint was masked,  
11 which prevented everyone in BDCS" -- that's Bomb  
12 Detection K9 Section?

13 A Yes.

14 Q -- "with the exception of supervision, of  
15 having any knowledge of the existence of the complaint,  
16 including the accused."

17 What does masking a complaint mean?

18 A Generally, when one of these complaint forms  
19 is generated, if it's not masked -- and generally  
20 they're not -- the employee that's named as the accused  
21 will know about it, because it will show up in their --  
22 if they ran their own history report -- it's called a  
23 teams report -- it would show up. A masked complaint  
24 does not show up, nobody's aware of it.

25 Q So an unmasked complaint, after a 128 is

1 generated -- it will -- when a -- let me back up.

2 When a 128 is generated, that's put into  
3 what, the CMS system; is that what it is?

4 A Yes.

5 Q And then the CMS system somehow links up to  
6 an officer's teams report?

7 A Correct.

8 Q And so if there's an unmasked complaint --  
9 for example, a citizen complaint against an officer,  
10 let's say, for -- I don't know -- discourteousness or  
11 something like that, once that complaint is generated,  
12 it would show up as pending on an officer's teams  
13 report; is that --

14 A Yes.

15 Q And so if a complaint is masked, like this  
16 one, it will not show up on their teams report; right?

17 A Correct.

18 Q So when this complaint was generated against  
19 Sauvao in or about April of 2016, Sauvao would not have  
20 known about that complaint; correct?

21 MR. KONG: Objection. Speculation.

22 You can answer.

23 Q BY MR. SALUTE: Based on it being masked?

24 A Correct.

25 Q And so -- all right.

1                   And the last sentence in that next paragraph  
2     starting at line 23 -- it says, "On October 19, 2016,  
3     when the IO" -- what does that mean?

4           A       Investigating officer.

5           Q       -- "for complaint No." -- "complaint file  
6     No. 16, dash, 001209 conducted an administrative search  
7     of Sauvao's City of Los Angeles owned vehicle, Sauvao  
8     became aware of the existence of the personnel  
9     complaint."

10                   That's an accurate statement?

11          A       Yes, to the best of my knowledge.

12          Q       And how do you know -- where did you learn  
13     that information?

14          A       I believe through interviews.

15          Q       Okay.

16          A       And I know I reviewed that  
17     personnel complaint.

18          Q       And, again, that's included in this  
19     background information to provide context; correct?

20          A       Yes.

21          Q       So, essentially, it's your understanding that  
22     around October of 2016 is when Sauvao became aware that  
23     he had this personnel complaint against him based on  
24     allegations by Hollenback; right?

25           MR. KONG: Objection. Misstates testimony.

1           Also, I'm gonna instruct the witness -- I'm  
2 actually going to object on Pitchess grounds. The  
3 witness is instructed not to provide any information  
4 gathered in the course of investigation of any other  
5 third-party officer -- any officer that was subject of a  
6 personnel investigation other than former Officer  
7 Garvin.

8           He can certainly testify as to the fact there  
9 was an investigation of Sauvao from April 24, 2016, and  
10 the fact that there was a vehicle search. Any  
11 information that's contained on page two, lines 19  
12 through 25, is relevant since it's stated here in the  
13 background.

14           But you cannot discuss any information  
15 regarding the details of the investigation from that.

16           All right?

17           MR. SALUTE: What if he didn't learn it through  
18 the -- okay. Well, anyway. That's why I asked him  
19 where he learned that information.

20           So you're not allowing --

21           MR. KONG: I think he already testified that he  
22 reviewed the complaint investigation.

23           Q       BY MR. SALUTE: Is that true, that's where  
24 you learned that information, or did you learn it  
25 independent of that?

1           A           What information?

2           Q           That on October 19th -- first of all, where  
3           did you learn that on October 19, 2016, that there was  
4           an administrative search of Sauvao's vehicle?

5           A           I don't recall.

6           Q           And how did you form the conclusion -- or  
7           come to the conclusion that that's the date that Sauvao  
8           became aware of the existence of the personnel  
9           complaint?

10          MR. KONG:   Answer only if you know.

11          THE DEPONENT:   Yeah, I don't recall.

12          Q           BY MR. SALUTE:   Okay.   Let's go to the next  
13          paragraph.   It says, "Many of the allegations were  
14          brought to the department's attention during the course  
15          of this investigation" -- let me reread that.   Sorry.

16                        "Many of the allegations that were brought  
17          to the department's attention during the course of this  
18          investigation date back several years; however, it was  
19          not until after the administrative search of Sauvao's  
20          vehicle that any allegations were made against  
21          supervision."

22                        Where did you learn that information?

23          A           Well, you unpacked a couple different things.  
24          So where did I learn what, that there were --

25          Q           The information that was contained in that

1 sentence.

2 A So I learned that there were a lot of  
3 allegations that were brought up that predated from the  
4 interviews, because that's where the allegations came  
5 out. And it's just the timeline of when the personnel  
6 complaint against Sauvao was generated and when  
7 they find out about it and when they initiated this  
8 personnel complaint.

9 Q Okay. So, essentially, what I'm gathering  
10 from this is that, assuming that the administrative  
11 search of Sauvao's vehicle occurred on October 19th of  
12 2016, it wasn't until after that that these allegations  
13 by Salinas and Franco came forward; is that fair to say?

14 A Correct. Yes, that's fair to say.

15 Q And the reason for putting that in here was,  
16 again, to provide context to the person who was gonna be  
17 adjudicating the complaint; correct?

18 A Yes.

19 Q And did you feel that this information was  
20 important to convey to the -- or including the report to  
21 convey to the adjudicator?

22 A Yes.

23 Q Why?

24 A You know, I found it convenient that they  
25 have allegations going back from 2014/2015/2016 that

1 were never brought to the department's attention until  
2 after this event.

3 Q Which event?

4 A When Sauvao's vehicle was searched.

5 Q Okay. When you say "convenient," what do you  
6 mean?

7 A There's no explanation as to why they didn't  
8 bring them up before.

9 Q So, essentially, you felt that there was a  
10 link between the two?

11 MR. KONG: Objection. Foundation; speculation;  
12 misstates the testimony.

13 You can answer.

14 THE DEPONENT: It's not my job to decide if there's  
15 a link. I put it in there for the adjudicator so they  
16 would know and they would see the corresponding  
17 events.

18 Q BY MR. SALUTE: I'm just asking why you felt  
19 it was important to include it in the report. That's  
20 all I'm asking.

21 MR. KONG: Objection. Asked and answered.

22 You can answer again.

23 THE DEPONENT: I think I answered that.

24 Q BY MR. SALUTE: Okay. Fair enough.

25 And then the next sentence says, "Since that



1 time, there have been three personnel complaints  
2 generated from within BDCS," and then it lists the  
3 three.

4 Why did you feel that it was important to  
5 include that?

6 A There was obviously something going on in  
7 this unit, and they were using, in my opinion, the  
8 personnel complaint system in a way that it's -- you  
9 know, out of what the personnel complaint system is  
10 designed for. There was ulterior motives.

11 Q Like what?

12 MR. KONG: Objection. Speculation; foundation.

13 You can testify as to what you know.

14 THE DEPONENT: I don't know.

15 Q BY MR. SALUTE: Well, when you say there were  
16 ulterior motives, who was it that you believed was --  
17 well, did you believe that the people that were filing  
18 the personnel complaints were misusing the complaint  
19 system?

20 A In some cases, yes.

21 Q Okay. Who were those people that were  
22 misusing the complaint system?

23 A Well, actually, I can't say yes. I don't  
24 know. I mean, these are serious allegations, so if  
25 these -- I mean, if the allegations really occurred,

1 it's just, on the one hand, they're serious allegations.  
2 On the other hand, they waited three, four years to  
3 report them. So I don't know. I think . . .

4 Q Did you form any opinions as to whether  
5 Sauvao's awareness of the existence of the personnel  
6 complaint against him was an impetus to these other  
7 complaints being generated?

8 MR. KONG: Objection. Foundation; speculation.

9 THE DEPONENT: You want my opinion?

10 Q BY MR. SALUTE: Yes.

11 MR. KONG: Also asks for improper opinion.

12 You can answer.

13 THE DEPONENT: Yeah, I think -- yes, I think it did  
14 have a bearing on these personnel complaints being  
15 generated.

16 Q BY MR. SALUTE: Okay. And why did you  
17 believe that?

18 A My opinion?

19 Q Yes.

20 THE DEPONENT: You want me to give me opinion?

21 MR. KONG: That's fine.

22 THE DEPONENT: I think there were different camps  
23 within Bomb Squad Detection K9. I think there was an  
24 unhealthy environment there.

25 I think there were camps that were unhappy



[illegible]

1

[REDACTED]

2

[REDACTED] [REDACTED]

3

Q BY MR. SALUTE: Going back to page two of

4

[Exhibit 1](#), on the Background, on the last paragraph,

5

starting at line 33, it says, "Additionally, Hollenback

6

was selected for the position of BDCS trainer and

7

upgraded in May of 2016 which caused further animosity."

8

You see that?

9

A Yeah.

10

Q And where did you learn that information?

11

A From talking to people in the unit.

12

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[illegible]

**1**



1 A [REDACTED]

2 [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 Q So, essentially -- and this was my perception  
5 from reading the 419 report and the 614 report, and you  
6 can agree with me or not. I don't know.

7 But it seemed to me that there were,  
8 essentially, two cliques within the B- -- Bomb Detection  
9 K9 Section; is that fair?

10 MR. KONG: Objection. Vague; ambiguous;  
11 foundation.

12 You can answer if you know and understand the  
13 question.

14 THE DEPONENT: I don't know how many cliques there  
15 were.

16 Q BY MR. SALUTE: Okay. Well, essentially,  
17 there was a group of officers that were in the Sauvao  
18 camp and then others; right?

19 MR. KONG: Objection. Vague; ambiguous.

20 THE DEPONENT: It would appear that way, yes.

21 Q BY MR. SALUTE: And the people that filed the  
22 complaints against Garvin were in the Sauvao camp;  
23 right?

24 MR. KONG: Same objections.

25 THE DEPONENT: Yes.



1 Q BY MR. SALUTE: And you felt that based on  
2 the timing of the complaints that were filed against  
3 him, it was somewhat suspect as to why they would have  
4 waited so long to file the complaints?

5 MR. KONG: Objection. Misstates testimony.

6 You can answer.

7 Q BY MR. SALUTE: Is that fair?

8 A I don't know if I would have said "suspect."  
9 Yeah, it definitely -- I definitely thought it was worth  
10 putting in there for the adjudicator to get the big  
11 picture. I thought it was relevant.

12 Q But in any event, you formed the conclusion  
13 that the complaints -- or at least Sauvao's learning of  
14 the complaint against him played some role in the  
15 subsequent complaints from these other officers --

16 [REDACTED]

17 MR. KONG: Objection. Foundation; speculation.

18 THE DEPONENT: My job's not to come to conclusions.  
19 That was my opinion. I put the facts in there for the  
20 adjudicator to make those conclusions on their own.

21 Q BY MR. SALUTE: Okay. Did you ever see the  
22 letter of transmittals for these complaints?

23 A No.

24 MR. GARVIN: This is the one right here.

25 MR. SALUTE: Yeah, I know.

1 Q Let me go back to [Exhibit 1](#), page two. On  
2 the very bottom, under "Summary," it says, starting at  
3 line 40, "Officers Franco and Salinas alleged they were  
4 the subject of harassment, racial remarks,  
5 discrimination, intimidation and a hostile work  
6 environment" -- and I'm just gonna stop with -- "from  
7 Lieutenant Garvin."

8 That's what was being alleged?

9 A Yes.

10 Q And as you understand it, that resulted in  
11 Garvin being loaned out of the ESD?

12 MR. KONG: Objection. Foundation; speculation.

13 You can answer if you know.

14 THE DEPONENT: So not necessarily. I'm not sure  
15 why he was moved out of ESD. He was moved out of ESD  
16 prior to when I got this complaint, so . . .

17 Q BY MR. SALUTE: Okay. I'm just trying to  
18 understand the timing here, though.

19 So in early February of 2017 is when the  
20 complaints were made?

21 A I may have misspoke. He may have been moved  
22 out right after I got it, but it was before I was very  
23 deep into the investigation. It wasn't part of the  
24 adjudication of this complaint.

25 Q Okay. Well, I thought you didn't see the

1 adjudication of the complaint.

2 A No. But he had been moved out before this  
3 was even turned in, so it couldn't have been part of the  
4 adjudication.

5 Q I'm just trying to get the timing down right  
6 now.

7 So the complaints were made in early  
8 February of 2017; correct?

9 A Yes.

10 Q And based on what you have here in the  
11 summary, he was moved out in February of 2017; right?

12 A Yes.

13 Q And then he was downgraded in July; right?

14 A Yes.

15 Q And if we go to the "Investigator's Notes" on  
16 page 20, note one -- these are notes that you put in  
17 here; right?

18 A Yes.

19 Q And it says, "In addition to the paragraphed  
20 (sic) interviews, the IO" -- meaning the investigating  
21 officer; that's you; right?

22 A Yes.

23 [REDACTED]

[REDACTED]

[REDACTED]

1

[illegible]

1



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

[REDACTED]

Q Okay. And it says, "All stated they did not hear any of the alleged comments"; right?

A Yes.

Q And that's something that was stated by them during these interviews; right?

A Yes.

Q And those interviews were recorded; right?

A Yes.

Q And it also says they did not "witness any similar comments by Garvin"; correct?

A Yes.

Q And it also says they did not witness "any of the alleged misconduct or any other incidents relevant to this investigation"; correct?

A Yes.

Q Do you recall how many officers were in the unit at the time that you interviewed these guys?

A I believe, from reading -- I believe it was

1 around 15.

2 MR. KONG: When you say "unit," you're referring to  
3 the Bomb Detection K9 Section?

4 MR. SALUTE: Correct.

5 MR. KONG: Okay.

6 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]



1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED].

20

Q Okay. Fair enough.

21

I want to talk about the 614 complaint.

22

Before we get to that, I just want to ask you

23

something.

24

A Mm-hmm.

25

Q In the letter of transmittal for the 419

1 complaint, the adjudicator states the following: "After  
2 a critical review of all the material in the  
3 investigation, as well as being privy to the daily  
4 issues of BDCS, it is apparent to the adjudicator that  
5 these allegations are retaliatory in nature."

6 Do you agree with the statement that you  
7 believe that the allegations made by Franco and Salinas  
8 were retaliatory in nature?

9 MR. KONG: Hold on.

10 Objection. Foundation, speculation, improper  
11 opinion and vague.

12 Go ahead.

13 THE DEPONENT: You're asking for my opinion?

14 Q BY MR. SALUTE: Yes.

15 A So I don't know if I -- I don't know if I  
16 have -- I mean, so in the workplace unit -- so there's  
17 textbook retaliatory, there's layman's retaliation, and  
18 there's legal retaliatory. I don't think it's legal  
19 definition of retaliatory, but in the broad sense of  
20 retaliatory, I think that's one way you could categorize  
21 it.

22 Q Okay. The next sentence says that "the  
23 allegations appear to be coordinated and feed off each  
24 other."

25 Did you find that to be true?

1           MR. KONG: Objection. Foundation; speculation;  
2 asking for an improper opinion.

3           THE DEPONENT: Those aren't terms I would use, but  
4 I don't necessarily disagree with them.

5           Q       BY MR. SALUTE: Okay. Well, let me break it  
6 down.

7                   Based on -- well, did you do a critical  
8 review of all the material in the investigation?

9           MR. KONG: Objection. Vague; overbroad.  
10                   You can answer.

11           THE DEPONENT: I don't know if I would categorize  
12 it that way. It's not my job to review it. I put the  
13 stuff together and, you know, reviewed it with different  
14 eyes than the person who's adjudicating it.

15           Q       BY MR. SALUTE: Fair enough.

16                   Based on that review, or based on the  
17 investigation, did the allegations against Garvin appear  
18 to be coordinated by the two complainants, Franco and  
19 Salinas?

20           MR. KONG: Same objection. Foundation;  
21 speculation.

22                   Go ahead.

23           THE DEPONENT: Are you asking do I think they  
24 talked before? Yes, I do.

25           Q       BY MR. SALUTE: Did they appear to feed off

1 each other?

2 MR. KONG: Objection. Vague; overbroad.

3 You can answer.

4 THE DEPONENT: That's a broader question.

5 I think there was a toxicity in the unit, all  
6 the way -- there was a problem in the unit. I think  
7 some of it was with -- in some degree, with supervision,  
8 and I think in some degree, it had to do with the people  
9 that worked there. And there was clearly some kind of a  
10 breakdown in the overall unit itself, and once the dam  
11 broke and these personnel complaints started to be  
12 generated, many more were generated. If that's what you  
13 mean by fed off each other, I do.

14 And like we mentioned, I don't know if this  
15 is because -- if this is employees' ways of trying to  
16 remove people who are trying to hold them accountable or  
17 if it's trying to make personnel complaints against  
18 people who are, as they categorized it, treating people  
19 unfairly. So, you know -- but yes, it does seem like  
20 they fed off each other a little bit.

21 Q BY MR. SALUTE: Okay. Well, based on the  
22 investigation of the 419 complaints, did you form any  
23 opinions or conclusions as to what the impetus to  
24 this -- or those complaints were; in other words, what  
25 was the start of it all?

1 MR. KONG: Objection. Vague; overbroad;  
2 foundation; speculation.

3 Answer only if you know.

4 THE DEPONENT: Well, as I answered before, the  
5 timing was -- it was shortly after the search of  
6 Sauvao's vehicle and -- which uncovered the fact that  
7 there was a personnel complaint against Sauvao.

8 Q BY MR. SALUTE: Okay. So it was  
9 that complaint that you felt started the whole, sort of,  
10 snowball rolling downhill, so to speak?

11 A Either the complaint -- I don't know if it  
12 was the complaint itself or some of the things that --  
13 the fallout from the complaint, but yes.

14 Q Okay.

15 I gave you this?

16 MR. KONG: Which one is that, 614? I only have the  
17 complaint investigation, I think, and the 128, it looks  
18 like the addenda.

19 MR. SALUTE: Okay. So I'm gonna mark as  
20 [Exhibit 4](#) -- oh, wait a minute.

21 MR. KONG: You already have 614, the investigation  
22 report, marked as [Exhibit 2](#).

23 MR. SALUTE: No. I don't have the 128.

24 MR. KONG: Okay.

25 MR. SALUTE: So that's gonna be 4.

1                   (Plaintiff's Exhibit No. 4 was marked  
2                   for identification and is attached hereto.)

3           Q       BY MR. SALUTE: Do you recognize Exhibit 4?  
4           I know there's redactions there so it's hard to see,  
5           but --

6           A       Yes.

7           Q       What's your understanding of what that is?

8           A       This is the complaint form for 17-614.

9           Q       And what's your understanding of when that  
10          complaint was initiated?

11          A       It looks like March of 2018.

12          MR. KONG: Can I see that real quick?

13          THE DEPONENT: Yes.

14          MR. KONG: Thanks.

15          Q       BY MR. SALUTE: It looks like, based on the  
16          second page, you're the one who took the report, I  
17          guess?

18          A       Yes.

19          Q       Okay. And you took the report from  
20          Kathy Meek -- Kathryn Meek -- Captain Meek?

21          A       I don't know what you mean by "took" it from  
22          her, but yeah, the information came from her and I  
23          entered it and cut the face sheet, as we call it.

24          MR. KONG: Kevin, pardon the interruption. I think  
25          earlier you'd asked when this complaint was initiated;

1 is that right? I think Detective Wyma had said  
2 March 2018.

3 Is that correct, based on what you see as the  
4 date there as to when the --

5 THE DEPONENT: Oh, I'm sorry. March 2017.

6 MR. KONG: The statute date is March 2018.

7 THE DEPONENT: Yeah. I misspoke. 2018. I  
8 misspoke again. 2017.

9 Q BY MR. SALUTE: Okay. So let's just clarify  
10 this.

11 So if we look on page one of [Exhibit 2](#), under  
12 "Statute" --

13 A Yep.

14 Q -- starting at line 11, it says, "On March 4,  
15 2017, the complainant, Mark Sauvao" -- he was the one  
16 who was making these complaints; correct?

17 A Yes.

18 Q Okay. He "submitted an employee's report,  
19 15.7" -- right?

20 A Yes.

21 Q -- "to his CO" -- meaning commanding  
22 officer -- "Kathryn Meek"; correct?

23 A Yes.

24 Q And he was alleging misconduct on the part of  
25 his supervisors; correct?

1           A       Yes.

2           Q       And then it says further down in that  
3 paragraph -- it says, "on November 27, 2017, the  
4 department received government claim No. C18, dash,  
5 2020"; right?

6           A       Yes.

7           Q       So I guess at some point after you took -- or  
8 you cut the face sheet on or about March 4th of 2017,  
9 Sauvao or his attorneys filed a government claim?

10          A       Correct.

11          Q       So the way that I kind of read that is that  
12 you must have started your investigation, and then this  
13 government claim came in; right?

14          A       Correct.

15          Q       And then you had to do some kind of like a  
16 supplemental investigation due to the -- or maybe even  
17 further investigation into the government claim;  
18 correct?

19          A       I don't know if I did a supplemental  
20 investigation. Generally, when a government claim comes  
21 in, a personnel complaint is automatically generated, so  
22 I was just noting that in there so as to not duplicate  
23 when the allegations were gonna be incorporated into  
24 this, so, therefore, no separate personnel complaint  
25 would be generated.



1           Q       Okay. So the intent was that the government  
2 claim and the 15.7 -- or the allegations made in the  
3 15.7 would be combined into this --

4           A       Yes, would be incorporated. Sorry.

5           Q       Fair enough.

6                   And so under the "Interviews," it looks like  
7 here there were 17 interviews that were conducted;  
8 right?

9           A       Yes.

10          Q       And were these -- the interviews that were  
11 conducted for this investigation -- did you combine the  
12 interviews? Because I wasn't really clear on that. It  
13 looks like the dates are slightly different, so I wasn't  
14 sure.

15          A       So --

16               MR. KONG: I'm sorry. Vague and ambiguous.

17                   You can answer if you understand the  
18 question.

19          Q       BY MR. SALUTE: I can rephrase it, if you  
20 want, or --

21          A       I think I understand.

22                   If I could, instead of make multiple trips to  
23 LAX, or having them make multiple trips downtown, I  
24 would combine when I could. When I say "combine," I  
25 would combine the appointment time, if you will, but the

1 interviews were compartmentalized.

2 So for one interview, we would go on tape,  
3 conduct the interview, go off tape, take a break, go on  
4 tape for the next interview, go off tape . . .

5 Q Gotcha.

6 So even though you may interview somebody for  
7 the 419 complaint on one day and then subsequently  
8 interview somebody on the 614 -- or ask somebody about  
9 the allegations of the 614 complaint -- even though they  
10 may have been done on the same day, you would separate  
11 the two, they'd be admonished accordingly and all that  
12 stuff; right?

13 A Correct.

14 Q Okay.

15 A They would be the same date, different times.

16 Q Gotcha. Okay. And just like the 419  
17 complaint, all the interviews were recorded for the 614  
18 complaint; right?

19 A To the best of my recollection.

20 Q Okay. And they would be, unless otherwise  
21 noted, paraphrased in the -- in this report; right?

22 A Correct.

23 Q So, now, in this 614 complaint --

24 Is it warm in here? You're okay? Want me  
25 to turn the air on?

1 (Discussion held off the record  
2 whereupon a brief recess was taken.)

3 Q BY MR. SALUTE: So going back to [Exhibit 4](#),  
4 which is the 128 that was cut, the allegation now from  
5 Sauvao is that -- it says on March 4, 2017, Police  
6 Officer III plus I Mark Sauvao submitted an employee's  
7 report form 15.7 to his commanding officer, Kathy Meek,  
8 alleging harassment, racial remarks, discrimination,  
9 intimidation, and a hostile work environment from  
10 Lieutenant II Ray Garvin"; correct?

11 A Yes.

12 Q So that's what you were investigating with  
13 the 614 complaint; right?

14 A Yes.

15 Q And then you also investigated the  
16 allegations in the government claim; right?

17 A I believe so.

18 Q And it says, "The government claim was making  
19 similar accusations as Sauvao's employee report"; right?

20 A Yes.

21 Q Do you recall whether there were any other  
22 allegations that were made by Sauvao that you  
23 investigated in relation to this complaint, other than  
24 the ones that were in the 15.7 of the government claim?

25 A I'd have to read the report, but I don't

1 think so.

2 Q Okay. So if we go to page two again, you put  
3 a bunch of background information; correct?

4 A Yes.

5 Q And, again, is it fair to say that the reason  
6 for doing so was to provide some context to the further  
7 portions of the investigation report that you  
8 prepared?

9 A Yes.

10 Q All right. And just so we're clear, again,  
11 the 614 investigation report that we marked as  
12 [Exhibit 2](#) -- this is something that you prepared?

13 A Yes.

14 Q All right. And if we go to -- let's see.  
15 If we go to page 14, it appears to have your  
16 signature?

17 A Yes.

18 Q Is that, in fact, your signature?

19 A It is.

20 Q Okay. And it's signed on 2/15/18.

21 As you sit here today, does that refresh your  
22 recollection as to when you completed the report?

23 A Yes.

24 Q And when did you complete it?

25 A It would have been sometime shortly before

1 2/15 of 2018.

2 Q Okay. And then you turned it in to your  
3 supervisor?

4 A Yes.

5 Q And that would have been Mark Dibell at that  
6 time?

7 A Yes.

8 Q And he's got a signature under, "Approved."  
9 What is he approving?

10 MR. KONG: Objection. Foundation.

11 You can answer if you know.

12 THE DEPONENT: He reviews the report, and, you  
13 know, he's the first level to review if something --  
14 he's the supervisor of the unit, so if something stands  
15 out that --

16 Q BY MR. SALUTE: You turned it in to him,  
17 said, "Hey, boss, I'm done" kind-of-thing, and he takes  
18 a look at that time and --

19 A Reviews it for content and -- anything from  
20 typos to content, or if he thinks there needs to be  
21 further investigation in a certain area.

22 Q Is there -- when you're doing an  
23 investigation report like this -- I know that in  
24 use-of-force situations, there's a work trail item list.

25 Is there something like that for these?

1 MR. KONG: Objection. Foundation.

2 You can answer.

3 THE DEPONENT: I'm not familiar with that.

4 Q BY MR. SALUTE: Okay. So in other words, if  
5 you submitted it to him and he said, "Hey, I'm gonna --  
6 I need you to make some changes to it," would there be  
7 anything, that you're aware of -- any documents or any  
8 kind of work trail item that would reflect the history  
9 of the revisions?

10 MR. KONG: Objection. Speculation; foundation.

11 You can answer if you know.

12 THE DEPONENT: Not that I'm aware of.

13 Q BY MR. SALUTE: Do you remember if he did  
14 kick this back to you to revise it in some way?

15 A I don't recall.

16 Q So, now, if we go to the background  
17 information, this appears pretty much like a recitation  
18 from the 419 complaint of the background; is that a fair  
19 statement?

20 MR. KONG: Objection. Misstates the testimony.

21 THE DEPONENT: I mean, it was about a unit -- it  
22 was about the same unit that occurred at about the same  
23 time, so I think a lot of the information remained the  
24 same, yes.

25 Q BY MR. SALUTE: Okay. Well, if we go to --

1 start at line 24, it says, "On October 19, 2016,  
2 Sergeant II Peter Gillies"?

3 A Yes.

4 Q It says, "Criminal Investigation Division,  
5 CID, conducted an administrative search of Sauvao's city  
6 owned vehicle in relation to CF No. 16, dash, 001209.  
7 As a result, Sauvao became aware of the existence of the  
8 personnel complaint."

9 In the earlier one, you didn't make reference  
10 to Gillies, so is that some information you -- I mean,  
11 you gained after the first complaint, or you're not  
12 sure?

13 A No. I mean, I had reviewed the complaint, so  
14 I knew Pete Gillies was the one with the IO. I don't  
15 remember today why I included it on one and not the  
16 other one, or if it's necessarily relevant.

17 Q And then the next paragraph -- well, anyway,  
18 let me go back to that.

19 So in any event, the fact, as far as you  
20 knew, that Sauvao became aware of the existence of the  
21 personnel complaint an or about October 19, 2016 -- that  
22 appears to be consistent with your earlier comments in  
23 the 419 complaint; right?

24 A Yes.

25 Q And in the next paragraph down, it says,

1 "Since February 2017, there were five additional  
2 personnel complaints generated from BDCS."

3 And why did you include that comment in this  
4 background information?

5 A Give me a second to read it.

6 Q Sure.

7 A I think for the same reason I mentioned  
8 earlier, to paint a broader picture, to show that, kind  
9 of, complaints were being lobbed back and forth, some  
10 toward supervision, some toward Hollenback.

11 Q Just to provide context; right?

12 A Yeah. Again, to point out kind of the  
13 overall kind of dysfunction within the unit that kind of  
14 led to some of this stuff.

15 Q Okay. So now I want to go down under,  
16 "Summary" starting at line 37. It says, "Sauvao alleged  
17 that he has been the subject of harassment, racial  
18 remarks, discrimination, intimidation, and a hostile  
19 work environment from Garvin."

20 So that's what he's alleging in  
21 this complaint; right?

22 A Yes.

23 Q Then it says -- there's also a comment in the  
24 next sentence here. It says, "In addition, during his  
25 interview, Phermasangnam alleged that" -- another



1 supervisor -- "made improper remarks toward him"; right?

2 A Yes.

3 Q Now, when you read that, does that help to  
4 refresh your recollection that Phermsangngam was more in  
5 the Sauvao camp than otherwise?

6 A No.

7 Q And then there's a note. It says, "Many of  
8 the allegations that were brought to the department's  
9 attention during the course of this investigation dated  
10 back several years; however, they were not reported  
11 until after Sauvao received a personnel complaint, CF  
12 No. 16, dash, 1209, and NTCD," "NTCD" meaning notice to  
13 correct deficiencies?

14 A Correct.

15 Q So, essentially, you found during the course  
16 of your investigation in this complaint, the  
17 614 complaint, and the 419 complaint, that these  
18 allegations that dated back several years were not  
19 reported until after Sauvao received a personnel  
20 complaint and notice to correct; is that what you're  
21 saying?

22 A Yes.

23 Q And why did you feel that was important to  
24 put in this complaint investigation report as a note?

25 A I think for the same reasons that I said, you

1 know, putting things in context to paint the whole  
2 picture.

3 Q Okay. Is it fair to say that the reason you  
4 were putting that in there was to say, hey, look at the  
5 timing of this and see that the timing of this is  
6 important?

7 A To draw attention to it, yes.

8 Q Okay. That maybe the fact that Sauvao got a  
9 personnel complaint and that these weren't reported  
10 until after he got the personnel complaint -- maybe  
11 these two events are linked?

12 MR. KONG: Objection. Speculation; foundation.  
13 You can answer.

14 Q BY MR. SALUTE: I'm asking why you felt it  
15 was important to note that.

16 MR. KONG: Same objection.

17 THE DEPONENT: Just to point it out for the  
18 adjudicator to make those determinations. But, yes, to  
19 draw to the fact that --

20 Q BY MR. SALUTE: Right. That there could be a  
21 link between the two; right?

22 MR. KONG: Same objections.

23 THE DEPONENT: Yes.

24 Q BY MR. SALUTE: Now, after you started your  
25 investigation on the 419 complaint, did you have any

1 communication with Captain Meek kind of updating her  
2 about what was going on during the course of the  
3 investigation?

4 A I remember meeting with Captain Meek on a few  
5 occasions. I don't remember the timing. I  
6 remember attending a couple meetings with Captain Meek.

7 Q Okay.

8 A But, you know, I also interviewed her, so I  
9 know I was -- I didn't have frequent conversations with  
10 her.

11 Q That's what I was gonna ask you.  
12 You did interview her on the 614 complaint;  
13 right?

14 A I interviewed her on at least one of them.

15 Q I believe it's the 614 complaint, in here,  
16 number 17.

17 A Yep.

18 Q Okay. But you didn't interview her, I don't  
19 believe, on the 419 complaint?

20 A I don't believe so.

21 Q And my question was gonna be, why did you  
22 interview her on one and not the other one, if you  
23 recall your thinking?

24 A I believe because she --

25 MR. KONG: You need to refer to [Exhibit 1](#) to

1 refresh your recollection? Yes?

2 THE DEPONENT: Yes.

3 MR. KONG: Okay.

4 THE DEPONENT: I don't have an independent  
5 recollection of why. I would say because the  
6 information that was contained in the face sheet for 419  
7 was sufficient enough to gather the information of the  
8 people that I need to interview, and she wasn't  
9 necessarily a direct witness to any of it. She was just  
10 the conduit reporting it.

11 In 614, I didn't have as much information as  
12 I had, because -- in 419, I think we discussed she went  
13 through the intermediary sergeant who had documented all  
14 that stuff. In this case she hadn't, so I had to get  
15 the information from her so I interviewed her. Sitting  
16 here today, that would be my guess, but --

17 Q BY MR. SALUTE: Well, I don't want you to  
18 guess. Again, this isn't a memory test.

19 A Feels like one.

20 Q They always do, but it's not intentional.  
21 Okay?

22 MR. KONG: There's no pending question. Are you  
23 done?

24 THE DEPONENT: Yes.

25 MR. KONG: Okay.

1 Q BY MR. SALUTE: Turn to page 12, which is  
2 the -- where you paraphrase her statement.

3 A Okay.

4 Q So starting on page 12, line 19, that is the  
5 start where you paraphrase her statement; correct?

6 A Yes.

7 Q And it says there, "Meek became the CO of ESD  
8 in March of 2016."

9 That's something you learned during the  
10 course of the interview; right? That's what she stated?

11 A Right. I may have learned that information  
12 prior to that.

13 Q Fair enough.

14 But that's what she stated during the  
15 interview; right?

16 A Correct.

17 Q And it says that "In the past, Meek had been  
18 the lieutenant OIC of the Bomb Detection K9 Section when  
19 some of the current handlers were also assigned there."

20 That's another thing she stated; right?

21 A Correct.

22 Q And it says -- the next sentence says, "In  
23 May of 2016, Meek attended a BDCS training day in the  
24 Port of Los Angeles. Meek did not hear Garvin refer to  
25 the PM watch as a mafia and did not hear Garvin refer to

1 Sauvao as a ringleader. And then it says, Nobody  
2 reported to Meek that Garvin made those comments."

3 So, essentially, she told you during the  
4 interview that she was present when one of the alleged  
5 incidents of misconduct that Sauvao was saying  
6 occurred -- she was allegedly there that day and didn't  
7 hear anything; right?

8 MR. KONG: Objection. Document speaks for itself;  
9 foundation; speculation.

10 You can answer if you know.

11 THE DEPONENT: Correct.

12 And can I also say, referring to the previous  
13 question, this refreshes my memory. And this is why I  
14 interviewed her on this one and not the other one,  
15 because she was potentially a witness to some of the  
16 conduct on this one, and I did not learn that she had  
17 been in the previous.

18 Q BY MR. SALUTE: Okay. So let's say she did  
19 hear something during that BDCS day and she didn't  
20 report it.

21 Would that, under LAPD policy, constitute  
22 some form of misconduct?

23 MR. KONG: Objection. Improper hypothetical;  
24 foundation.

25 You can answer to the extent that you know.

1 THE DEPONENT: Potentially.

2 Q BY MR. SALUTE: Okay. In any event, she told  
3 you during the interview she didn't hear anything that  
4 she believed was misconduct; right?

5 A Correct.

6 Q And then it says -- in the next paragraph, it  
7 says on April 24, 2016, she "became aware that  
8 Hollenback was alleging that Sauvao tampered with  
9 Hollenback's TSA evaluation."

10 That's what she stated during the interview;  
11 right?

12 A Yes.

13 Q And then the next sentence says, "Meek had  
14 discussions with Stark and Garvin and caused a personnel  
15 complaint to be initiated"; right?

16 A Yes.

17 Q And that's the masked complaint; right?

18 A Yes.

19 Q The next sentence says, "Meek became aware  
20 that the behavior of some of the handlers inside BDCS  
21 changed after the administrative search of Sauvao's  
22 vehicle and after Sauvao had been interviewed for the  
23 personnel complaint which was in late 2016 or early  
24 2017."

25 That's another comment or statement she made

1 during the interview; right?

2 A Yes.

3 Q Now, during this interview, did she say which  
4 handlers' inside BDCS behavior had changed?

5 A I don't recall.

6 Q Is that something -- well if she did say  
7 that, that would be on that recorded interview; right?

8 A Yes.

9 Q And that's something that's maintained by the  
10 CMSs; right?

11 A Yes.

12 Q And as you sit here today, do you recall  
13 whether Meek's interview had been transcribed in some  
14 form --

15 A I don't recall.

16 Q -- other than being paraphrased here?

17 MR. KONG: Objection. Asked and answered.

18 You can answer it.

19 THE DEPONENT: I don't recall.

20 Q BY MR. SALUTE: Okay. And then if you go  
21 down to line 31, it says, "One of the changes that Meek  
22 observed was that additional personnel complaints were  
23 generated within the unit, indicating to her there was  
24 conflict within the BDCS."

25 So, essentially, what she's saying is, April



1 of 2016, there's this tampering complaint, which is a  
2 masked complaint, then there's the search of Sauvao's  
3 vehicle, and that after the search of the vehicle, there  
4 is this change in the behavior of some of the handlers,  
5 and one of the things that changed was that all of a  
6 sudden there's these personnel complaints; right?

7 A Yes.

8 Q Some of which were directed at Garvin; right?

9 A Yes.

10 Q And, now, at any point during your  
11 investigation of the 419 complaint or the 614 complaint,  
12 did you ever come to learn that Sauvao was upset at  
13 Garvin for the tampering complaint that was made against  
14 him?

15 A I don't recall. I think he may have blamed  
16 it somewhat on Lieutenant Garvin.

17 Q Okay. That was gonna be my next question,  
18 whether he ever indicated to you that Garvin was to  
19 blame for that complaint being made.

20 Did that ever come to your attention?

21 A I believe, yes.

22 Q How did that come to your attention? What  
23 did you learn?

24 A I don't recall. It may have been from  
25 Lieutenant Garvin -- may have told me that.

1           Q       Do you recall whether Meek told you that she  
2 came to learn or became aware that Sauvao was blaming  
3 Garvin for that complaint?

4           A       I don't remember her telling me that, but I  
5 don't have a memory one way or the other.

6           Q       Did any of the other offices that you  
7 interviewed in the 419 complaint, besides Garvin or  
8 Sauvao, ever indicate to you that they believed that  
9 Sauvao was upset at Garvin for that complaint against  
10 him?

11          A       If you want to give me a minute to refer to  
12 it, I can tell you --

13          Q       Sure.

14          A       -- but I don't have an independent  
15 recollection.

16                   Do you want me to read both complete  
17 complaints? Because I was looking at the interviews  
18 that I thought may have, but I don't see it. So --

19          Q       That's all right. You don't have to do that.  
20 We'll move on.

21                   If you look at page 12 of the 614 complaint,  
22 starting at line 34, it says, "In January of 2017, Meek  
23 was notified about two occasions where Sauvao had been  
24 hostile toward BDCS supervision"; right?

25          A       Yes.

1           Q       So that's something that she was telling you,  
2       that around January, Sauvao appeared to be hostile  
3       towards Bomb Detection K9 supervision; right?

4           A       Yes.

5           Q       So that would have been after October 2016,  
6       meaning that would have been after the search of his  
7       vehicle; right?

8           A       Yes.

9           Q       So, therefore, at that point, presumably, he  
10      would have known that there was this complaint; right?

11          A       Yes.

12          Q       So, essentially, is it fair to say that she's  
13      telling you after the search of his vehicle, he's now  
14      showing some hostility toward BDCS supervision?

15          A       Yes.

16          MR. KONG: Objection. Speculation.

17          Q       BY MR. SALUTE: Okay. Well, in any event,  
18      the recorded interview of Meek would be the best  
19      evidence of what she said regarding that issue; right?

20          MR. KONG: Objection. Foundation; speculation.

21          THE DEPONENT: As to what she said, sure. Yeah.

22          Q       BY MR. SALUTE: Right. I mean, this is your  
23      paraphrased summary; right?

24          A       Correct.

25          Q       Okay. Then it says, starting at line 39, on



1

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█

█



**STENO.COM**  
**(310) 573-8380**

[illegible]



1



5

5

1

5

5

5

5



5

5

5

5

\_\_\_\_\_

\_\_\_\_\_

Page 10 of 10

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ •

A The investigation, no.

Q Okay. And what about Kathy Meek? I know she

was interviewed, but other than being interviewed as a

witness. did she give you any direction on who you were

to interview or how you were to conduct your

## investigation?



## DEPONENT'S DECLARATION

I, DEMIAN WYMA, hereby declare:

I have read the foregoing deposition transcript, I identify it as my own, and I have made any corrections, additions or deletions that I was desirous of making in order to render the within transcript true and correct.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

\_\_\_\_\_,  
(date)

\_\_\_\_\_,  
(city and state)

\_\_\_\_\_  
(Signature)

1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )

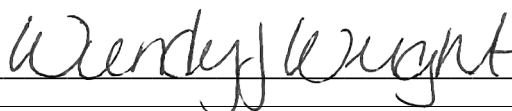
4 I, Wendy J. Wright, Certified Shorthand  
5 Reporter, Certificate No. 11607 in the State of  
6 California, duly empowered to administer oaths, do  
7 hereby certify:

8 I am the deposition officer that  
9 stenographically recorded the testimony in the foregoing  
10 deposition;

11 Prior to being examined, the deponent was by  
12 me first duly sworn;

13 The foregoing transcript is a true record of  
14 the testimony given. However, any changes made by the  
15 deponent or whether or not the deponent signed the  
16 transcript cannot at this time be set forth, because at  
17 the time of execution of this certificate the deponent  
18 has not yet done so and the time period provided for in  
19 the Code of Civil Procedure, Section 2025 (q)(1), has  
20 not run.

21  
22 Dated January 30, 2020, Los Angeles, California.  
23  
24  
25



1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )

4 I, Wendy J. Wright, Certified Shorthand  
5 Reporter, Certificate No. 11607 in the State of  
6 California, duly empowered to administer oaths, do  
7 hereby certify:

8 Written notice, pursuant to the Code of Civil  
9 Procedure, Section 2025 (q)(1), having been sent to the  
10 deponent, the deponent:

- 11 ( ) In person made the changes set forth in the  
12 foregoing transcript; and  
13 ( ) Signed the transcript identifying the  
14 deposition as his or her own;  
15 ( ) Expressly refused to approve the transcript  
16 by not signing it;  
17 ( ) By signed letter attached hereto, made the  
18 changes set forth therein;  
19 ( ) Failed to contact the deposition officer  
20 within the allotted time period.

21 Dated \_\_\_\_\_, 2020, Los Angeles, California.  
22  
23  
24  
25